

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WRI GOLDEN STATE, LLC,

No. C-07-01480 MMC (JCS)

Plaintiff(s),

v.

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
PROTECTIVE ORDER [Docket No. 19]**SAVE MART SUPERMARKETS,
Defendant(s).

Defendant, Save Mart Supermarkets (hereinafter "Defendant"), filed a motion for protective order (the "Motion") [Document No. 19] against Plaintiff. All of the issues raised by the motion were resolved between the parties except for the attorney-client privilege issues decided by this Order. Accordingly, except as described below, the Motion is DENIED as moot.

The motion came on for hearing on Friday, March 14, 2008, at 9:30 a.m. John D. Fairbrook appeared on behalf of Plaintiff; Daniel Muller appeared on behalf of Defendant. For the reasons stated on the record, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. An attorney-client relationship existed and continues to exist between Defendant and attorney William Kopper with respect to Defendant's lease and with respect to advice on the lawsuit styled *Citizens Against Wal-Mart, et al. v. City of Santa Rosa, et al.*, Superior Court of California, County of Sonoma, Case No. SCV239961, and related issues. Accordingly, all communications between Defendant and Mr. Kopper on these issues are privileged and protected from disclosure.
2. Communications between consultant James Watts on behalf of Defendant and attorney Kopper on the subjects described in Paragraph 1 are also protected by the attorney-client privilege and are protected from disclosure.

3. Consulting agreements between Defendant and Mr. Watt, payments by Defendant to Mr. Watt, and payments by Defendant of fees in the *Citizens* suit, are not privileged, and are not protected by the attorney work product doctrine.
4. Communications between Defendant and Mr. Kopper on the subjects described above do not lose their privileged character by disclosure of such communication to the plaintiffs in the *Citizens* suit. Similarly, communications between the plaintiffs in the *Citizens* suit and their counsel Mr. Kopper on the subjects described above do not lose their privileged character by disclosure to Defendant in this case.

IT IS SO ORDERED.

Dated: March 18, 2007



JOSEPH C. SPERO
United States Magistrate Judge